HON'BLE MR JUSTICE A. GOPAL REDDY

-

WRIT PETITION NO.25587 OF 1995

DATE:20.03.2006

Between:

G. Chandranath

..... PETITIONER

AND

The Commissioner of Sericulture,

Andhra Pradesh, Samrat Complex,

Saifabad, Hyderabad & two others.

.....RESPONDENTS

-

-

-

-

-

-

-

-

HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.25587 OF 1995

ORDER:

This Writ Petition has been filed to declare the proceedings of the second respondent passed in Rc.No.10070/94/E2, dated 15.9.1995 as illegal, arbitrary and consequently to direct the respondents to accord provisional registration to the proposed society of the petitioner.

Through the impugned proceedings, the second respondent called upon the petitioner, who is stated to be the Chief Promoter of the proposed society, to exercise the option for getting the proposed society registered under the provisions of the Andhra Pradesh Mutually Aided Cooperative Societies Act, 1995. This Court, in W.P.M.P.No.31528 of 1995 passed an interim direction on 28.2.1997 with an observation that the revised guidelines, under which, the petitioner was called upon to get the society registered under the A.P. Mutually Aided Cooperative Societies Act, 1995 came into force subsequently and hence, they are not applicable for considering the petitioner's claim, and accordingly, directed the respondents to accord provisional registration to the proposed society of the petitioner by suspending the impugned proceedings.

In the counter affidavit filed on behalf of the respondents, it is stated that the petitioner made an application for registration of a new Silk Weavers Cooperative Society at Uravakonda village covering 102 members. As per the decision of the

Government, all the proposals for registration of new Silk Weavers Cooperative Societies were sent to the Government in view of the ban imposed in the memo No.22829/Seri/93-I, Agriculture & Cooperation (Seri) Department, dated 13.10.1993 with a request to instruct whether the society should be registered in relaxation of the ban imposed if it fulfils all the conditions. The Government in their memo dated 24.7.1995 returned the said proposal along with other twenty six proposals with a further direction to take further action as the ban was lifted in their memo No.6111/Seri/95, dated 21.7.1995. Through G.O.Ms.No.475, Agriculture & Cooperation (Seri) Department, dated 21.7.1995, the Government withdrew the powers of Registration from the Deputy/Assistant Director of Sericulture and delegated the same to the Director of Sericulture. Meanwhile, the A.P. State Legislative Assembly enacted the A.P. Mutually Aided Cooperative Societies Act, 1995 which came into force with effect from 1.6.1995. In view of the same, the application made by the petitioner was rejected duly indicating the reasons for rejection in the notice, dated 25.10.1995. That apart, it is stated that one G. Eswaraiah of Uravakonda village made a complaint on 19.6.1995 to the Government about non-availability of looms in the proposed society and requested not to register the proposed society. Further, the Government in memo No.6111/Seri/95-2, dated 15.11.1995 issued instructions to the District Collectors to conduct census of Weavers and Looms by imposing temporary ban on registration of Silk Weavers Cooperative Societies.

There is no representation on either side. I have gone through the material available on record.

In compliance with the interim directions of this Court, dated 28.2.1997, the respondents have registered the proposed society of the petitioner. Even the counter affidavit filed by the respondents is silent as to whether such registration can be accorded to the proposed society of the petitioner.

Be that as it may, in view of the registration of the proposed society of the petitioner, no cause survives in this Writ Petition. However, it is made clear that if the society of the petitioner is not entitled for such registration, which has been granted solely basing on the interim direction of this Court, the respondents are at liberty to take appropriate action in the matter in accordance with law.

With the above observation, the Writ Petition is dismissed. No costs.

A. GOPAL REDDY, J

20th MARCH, 2006.

Tsr